

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barry O'Brien et al.
 Serial No. : 10/664,679
 Filed : September 16, 2003
 Title : MEDICAL DEVICES

Art Unit : 3734
 Examiner : Vi X Nguyen
 Conf. No. : 4092

Mail Stop Amendment

Commissioner for Patents
 P.O. Box 1450
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REPLY TO ACTION OF JANUARY 22, 2008

In reply to the Office Action of January 22, 2008, Applicants submit the following remarks.

The rejection of claims 1-5, 11, 12, 15-21, 24-28, 31, 49, 50, 55, and 56 under 35 U.S.C. § 103(a) over Buscemi et al., U.S. Patent No. 5,769,883 ("Buscemi") in view of Yan, U.S. Patent No. 5,843,172 ("Yan") is improper. Neither Buscemi nor Yan discloses the claimed "porous structure defined by a plurality of hollow post-shaped elements, the hollow post-shaped elements separated by a void region therebetween and each hollow post-shaped element defining an internal volume adapted to contain a therapeutic agent." An example of a porous structure defined by such hollow post-shaped elements is shown in Figs. 2B and 2C of the instant application, reproduced below.

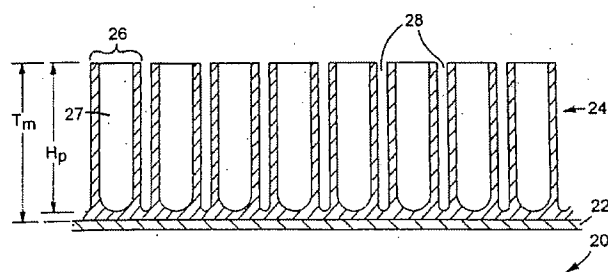
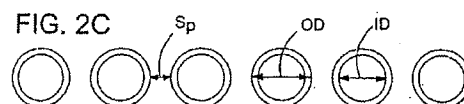


FIG. 2B



The claimed "void region therebetween" is the area between adjacent tubular "hollow post-shaped elements" (e.g., the area labeled as 28 in Fig. 2B). Applicants note that the claimed "void region" is singular. The claimed "internal volume adapted to contain a therapeutic agent"